

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, and SANDRA McCOLLUM, individually, and STEPHANIE KINGREY, individually and as independent administrator of the Estate of LARRY GENE McCOLLUM,

PLAINTIFFS §

V.

BRAD LIVINGSTON, JEFF PRINGLE, §
 RICHARD CLARK, KAREN TATE, §
 SANDREA SANDERS, ROBERT EASON, the §
 UNIVERSITY OF TEXAS MEDICAL §
 BRANCH and the TEXAS DEPARTMENT OF §
 CRIMINAL JUSTICE. §

DEFENDANTS §

CIVIL ACTION NO.
3:12-cv-02037
JURY DEMAND

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs advise the Court of recent rulings from the Eastern and Southern Districts of Texas in similar cases involving the same Defendants where prisoners also died of heat stroke.

In this case, Defendants Brad Livingston and the University of Texas Medical Branch have pending motions to dismiss (Doc. 121 and Doc. 122). As the Court may be aware, Judge Michael H. Schneider of the Eastern District of Texas and Judge Nelda Gonzales Ramos of the Southern District of Texas recently denied similar motions. Likewise, Magistrate Judge John Love of the Eastern District of Texas recommended denying additional similar motions to dismiss. Out of an abundance of caution, and to assist the Court, Plaintiffs attach the following orders:

Exhibit 1: *Webb v. Livingston, et al.*, No. 6:13-cv-00711-MHS-JDL, Doc. 85 (E.D. Tex. March 17, 2014) (Schneider, J.) (denying Livingston's

motion to dismiss);

- Exhibit 2: *Hinojosa v. Livingston, et al.*, No. 2:13-cv-00319, Doc. 35 (S.D. Tex. March 27, 2014) (Gonzales Ramos, J.) (denying Livingston's motion to dismiss);
- Exhibit 3: *Togonidze v. Livingston, et al.*, No. 6:14-cv-00093-JDL, Doc. 50 (E.D. Tex. April 8, 2014) (Love, Mag. J.) (recommending denying Livingston's motion to dismiss);
- Exhibit 4: *Togonidze v. Livingston, et al.*, No. 6:14-cv-00093-JDL, Doc. 51 (E.D. Tex. April 8, 2014) (Love, Mag. J.) (recommending denying UTMB's motion to dismiss ADA and Rehabilitation Act claims).
- Exhibit 5: *Webb v. Livingston, et al.*, No. 6:13-cv-00711-MHS-JDL, Doc. 96 (E.D. Tex. April 9, 2013) (Love, Mag. J.) (recommending denying Livingston's motion to dismiss);
- Exhibit 6: *Webb v. Livingston, et al.*, No. 6:13-cv-00711-JDL, Doc. 98 (E.D. Tex. April 10, 2014) (Love, Mag. J.) (recommending denying UTMB's motion to dismiss ADA and Rehabilitation Act claims);
- Exhibit 7: *Webb v. Livingston, et al.*, No. 6:13-cv-00711-JDL, Doc. 99 (E.D. Tex. April 11, 2014) (Love, Mag. J.) (recommending denying Livingston's motion to dismiss).

Thus, for the reasons in Plaintiffs' responses and in the reasons found by these other federal courts, Plaintiffs respectfully request the pending motions to dismiss be denied.

DATED: April 11, 2014.

Respectfully submitted,

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By /s/ Jeff Edwards

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.